

217,524


**UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 217,524 | 12/17/80 | Rudi Weyer et al | 79F343 |

 Henry W. Koster
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| EXAMINER | |
|-------------|--------------|
| NSMilestone | |
| ART UNIT | PAPER NUMBER |
| 121 | 3 |

 DATE MAILED
MAILED

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

APR 23 1981
☐ This application has been examined. ☐ Responsive to communication filed on _____ ☐ This action is made final.

GROUP 120

 A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892 | 2. <input type="checkbox"/> Notice of Informal Patent Drawing, PTO-948 |
| 3. <input type="checkbox"/> Notice of References Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |

Part II SUMMARY OF ACTION

 5. ☐ _____

- 1.
- ☒
- Claims
- 1-6
- _____ are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

- 2.
- ☐
- Claims _____ have been cancelled.

- 3.
- ☐
- Claims _____ are allowed.

- 4.
- ☐
- Claims _____ are rejected.

- 5.
- ☐
- Claims _____ are objected to.

- 6.
- ☒
- Claims
- 1-6
- _____ are subject to restriction or election requirement.

- 7.
- ☐
- The formal drawings filed on _____ are acceptable.

- 8.
- ☐
- The drawing correction request filed on _____ has been
- ☐
- approved.
- ☐
- disapproved.

- 9.
- ☒
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has

☒ been received. ☐ not been received. ☐ been filed in parent application, serial no. _____

filed on _____

- 10.
- ☐
- Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

- 11.
- ☐
- Other

The claims directed to more than separate and distinct invention. Accordingly, restriction to one of the following inventions is required (35 USC 121):

I. Claims 1, 3, 4 and 6, directed to compounds, compositions containing same and a method of using same;

II. Claim 2, directed to multiple processes of producing the compounds of claim 1;

III. Claim 5, directed to a process of bringing a compound into a suitable form of administration.

The several inventions are distinct, one from the other because the compounds of Group I are capable of being produced by more than one process and by different processes, depending upon the structure of the compound (see top of page 7 of the specification), and by processes other than as encompassed by Group II. Also the composition of Group I may be brought into a form of administration other than as disclosed herein. The several inventions have also achieved a separate status in the art and involve divergent fields of search.

In the event of an election of Group I a further election of a single species is required, accompanied by a claim restricted thereto, since the Markush claims of Group I include independent and distinct inventions.

Serial No. 217,524

Art Unit 121

In view of the scope of X, said claims are directed to compounds so unrelated and diverse that a prior art reference anticipating the claim with respect to one of the members would not render the claim obvious under 35 USC 103 with respect to the other compounds.

In the event of an election of Group II, further election of a single process species is required based upon the specific reacting functional groups in the reactants accompanied by a claim restricted thereto to facilitate examination.

Applicants response to be complete must include an election consonant with the above requirement, even though traversed. 37 CFR 1.143.

Norma S. Milestone
NORMA S. MILESTONE
EXAMINER
GROUP ART UNIT 121

NMilestone:ebw

A/C 703

557-2517

04/07/81